# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 624 OF 2007

SHRI. SHAILESH S. N. GAONKAR AND
11 ORS., ... Petitioners

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND 26 ORS., ... Respondents

Mr. Mahesh Amonkar, Advocate for the petitioners.
Mr. G. Shirodkar, Addl. Govt. Advocate for respondents No. 1 and 2.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 18th December, 2007

P.C.

Heard learned Counsel for the petitioners and learned Addl. Govt. Advocate for respondents No.1 and 2. Since the order that we propose to pass for disposal of this writ petition is not likely to affect the rights of other respondents, service on the other respondents is not necessary.

2. By this writ petition, the petitioners have prayed for directions to respondent No.2 to make a reference to the Reference Court under Section 18 of the Land Acquisition Act, 1894. The petitioners claim to be the persons interested in the land under acquisition. The Special Land Acquisition Officer (SLAO), however, has rejected their claim on the ground that the petitioners have not submitted supporting documents like death certificate and family tree, in respect of their claim to be the heirs of late Mangesh Bhiku Naik Gaunkar. Mr. Amonkar, learned Counsel for the petitioners, submits that the family tree has already been submitted before the reference Court, though not before the SLAO. In the circumstances, he submits that if the petitioners are given an opportunity to submit documents like death certificate and family tree or

any other such document in support of their claim to be the heirs of late Mangesh Bhiku Naik Gaunkar, with direction to the SLAO to decide their claim afresh under Section 19(b) of the Land Acquisition Act, 1894, the petitioners would be satisfied.

3. In the circumstances, we deem it appropriate to dispose of this writ petition by following order :

The petitioners shall submit additional documents, in support of their claim as heirs of late Mangesh Bhiku Naik Gaunkar, within a period of 8 weeks from today. If such documents are produced by the petitioners, within the time stipulated, the Special Land Acquisition Officer, Goa Industrial Development Corporation, Panaji, Goa shall decide the claim of the petitioners, afresh, in accordance with law, within a period of 4 weeks therefrom. It is needless to express that the SLAO shall issue notices to all the respondent along with the petitioners and grant them hearing while deciding their claim, afresh. If the claim of the petitioners is accepted by the SLAO, the observations made in the Award dated 15.6.06, in respect of the petitioners about their claim to be the heirs of late Manguesh Bhiku Naik Gaunkar, would render ineffective.

With these directions, the writ petition is disposed of.

D. B. BHOSALE, J.

N. A. BRITTO, J.

ssm.